

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.10.2014

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THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Crl.OP Nos.7212 & 7213 of 2007 and

M.P.Nos.1 of 2014 in

Crl.OP Nos.7212 & 7213 of 2007

Viswanathan .. Petitioner in both Crl.O.Ps
Vs

Renuka .. Respondent in both Crl.O.Ps

Prayer in Crl.O.P.No.7212 of 2014:- Criminal Original Petition filed under Section 482 Cr.P.C., to order to transfer Crl.M.P.No.80/2011 in M.C.No.48/2006 from the Family Court at Puducherry to any of the Family Courts at Chennai for trial and disposal.

Prayer in Crl.O.P.No.7213 of 2014:- Criminal Original Petition filed under Section 482 Cr.P.C., to order to transfer Crl.M.P.No.131/2013 in M.C.No.48/2006 from the Family Court at Puducherry to any of the Family Courts at Chennai for trial and disposal.

For Petitioner :Mr.T.P.Manoharan
in both Crl.O.Ps

For Respondent :Mr.J.L.Vincent
in both Crl.O.Ps for M/s.Vincent & Vincent

COMMON ORDER

Since in these two petitions, the parties are same and the issues involved are also common, they were heard together and they are disposed by way of this common order.

2.The petitioner is the husband of the respondent herein. The respondent had earlier filed M.C.No.48 of 2006 seeking maintenance on the file of the Family Court, Puducherry, in which, the Family Court had directed the petitioner to pay a sum of Rs.25,000/- per month as maintenance. On the allegation that a part of the amount has not been paid, the respondent/wife has filed CrI.M.P.No.80 of 2011 before the Family Court at Puducherry under Section 125(3) of Cr.P.C., for enforcement of the said order made in M.C.No.48 of 2006.

3.The petitioner herein/husband has filed CrI.M.P.No.131 of 2013, seeking modification of the said order in M.C.No.48 of 2013. Both the cases as of now are pending before the Family Court, Puducherry. The petitioner has now come up with these petitions seeking to transfer the above two cases from the file of the from the file of the Family Court, Puducherry to the file of any Family Court at Chennai.

4.I have heard the learned counsel for the petitioner and the learned counsel for the respondent and I have also perused the records carefully.

5.The learned counsel for the petitioner by taking me through the grounds raised in these two petitions would submit that the parties and witnesses are in Chennai and therefore, it would be convenient if the above two cases are transferred to the file of the Family Court at Chennai.

6.Though, it is stated by the petitioner that the respondent herein is also residing in Chennai, the address given in this petition in respect of respondent is stated only the Puducherry address. It shows that the respondent is still residing in Puducherry. Therefore, being a lady, it is very difficult for the respondent to attend every hearing of the above cases by travelling alone all the way from Puducherry to Chennai. Thus, I do not find any reason to transfer these two cases from the file of the Family Court, Puducherry to the file of the Family Court, Chennai. Hence, both the Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

10.10.2014

jbm

S.NAGAMUTHU,J
jbm

To

- 1.The Family Court, Puducherry.
- 2.The Principal Family Court, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.OP Nos.7212 & 7213 of 2014

10.10.2014